

REMARKS

Claims 85-100 are pending in this application. By this Amendment, claim 85 is amended. The amendment introduces no new matter. Support for the amendment to claim 85 may be found at least at paragraph [0075] of the specification. A Request for Continued Examination is attached. Reconsideration of the application based on the above amendments and the following remarks is respectfully requested.

The Office Action, on page 2, rejects claims 85-100 under 35 U.S.C. §103(a) as being unpatentable over JP-A-63-17031 to Kogyo in view of U.S. Patent No. 5,992,427 to Playe. This rejection is respectfully traversed.

Claim 85 recites, among other features, an applicator member secured to the receptacle body during application of the substance with the applicator member.

The Office Action concedes that Kogyo fails to disclose a receptacle body with a closure cap that is configured to be removably fixed to the receptacle body wherein the receptacle body is of a different shape than the containers. Rather, the Office Action relies on Playe in its disclosure of a support for a take-up element and a packaging unit comprising the support to make up for the shortfall. This analysis of the Office Action fails for at least the following reason.

Kogyo is directed to receptacles for cosmetics which are stacked on top of each other (Abstract). Playe is directed to a combination of a support and a take-up element that includes a container with a partial lid and an element for taking up the product (Abstract). Neither Kogyo, nor Playe, alone or in combination, can reasonably be considered to teach or to have suggested, the recited applicator member secured to the receptacle body during application of the substance with the applicator member, because each of Kogyo and Playe discloses an applicator member which has to be separated from the casing for applying the product.

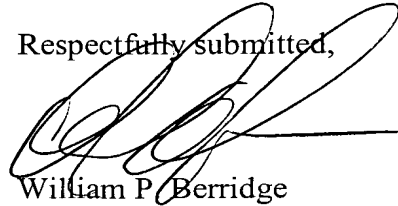
For at least the foregoing reasons, the applied references cannot reasonably be considered to have suggested the combination of features positively recited in independent claim 85. Further, claims 86-100 also would not have been suggested by any reasonable combination of the applied references for at least the respective dependence of these claims directly or indirectly on an allowable base claim, as well as for the separately patentable subject matter that each of these claims recites.

Accordingly, reconsideration and withdrawal of the rejection of claims 85-100 under 35 U.S.C. §103(a) are respectfully requested.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 85-100 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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JAO:DAT/mcp

Attachment:

Request for Continued Examination

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